

REMARKS

Claims 1, 3-12 are pending. Claims 13-24 have been canceled. The claims have been amended to more clearly recite the invention. The specification and drawings have been amended to address the Examiner's objections set forth in the Office Action. It is respectfully submitted that no new matter has been added to the application by means of these amendments.

Objections to the Specification

The Examiner has correctly noted several typographical errors in the specification. Applicant thanks the Examiner for identifying those errors. The specification has been amended to correct those errors. Reconsideration and withdrawal of the objections to the specification are requested.

Objections to the Drawings

The Examiner has objected to the drawings as including several inconsistencies with specification including missing reference numerals. Replacement drawings are provided herewith correcting the various objections raised by the Examiner. It is respectfully submitted that the replacement drawings properly address the Examiner's objections. Reconsideration and withdrawal of the objections to the drawings is requested.

Objections to the Claims

The Examiner has raised several objections to claims 1, 5, 8-10, 13, 16 and 19. The objections have been properly addressed in the amended claims that are provided in this response. Claims 13-24 have been cancelled, obviating the objection to those claims.

§112 Rejections of the Claims

Claims 1-24 were rejected under 35 U.S.C. §112 for being indefinite. Specifically, claims 1, 13 and 19 were rejected for including in the preamble the phrase "in particular gilding". Claim 1 has been amended to delete the reference to gilding. Claims 13 and 19 have been deleted. Claim 6 has been rejected since the claim includes the term "continuously" which the Examiner

feels contradicts the recitation in claim 1 of the drives moving in steps. To clarify the distinction between these two claims, claim 1 has been amended to recite that the control means controls the drives so as to provide first and second movements. Claim 6 has been amended to clarify that the first and second movements can be steps or continuous. Since the term "movement" is broad enough to cover both motions, it is respectfully submitted that the claims do not contradict one another.

Claims 14 and 20 were also rejected. However, since these claims have been cancelled, the rejection is moot.

The Examiner has rejected claims 10-12 as not properly further limiting the structure of the system. These claims have been amended to more clearly recite their structural features.

In light of the foregoing, Applicants respectfully submit that all the pending claims are clear and concise. Reconsideration and withdrawal of the §112 rejection of these claims is requested.

§102 Rejections

Claims 1, 3 and 6 have been rejected as being anticipated under 35 U.S.C. §102 by U.S. Pat. No. 6,387,201 to Stuart et al.

Stuart et al. discloses a rotary foil stamping machine. The patent discloses a feed assembly for feeding a transfer film and a receiving strip to a press (transfer station). The Examiner has cited Col. 16, lines 5-16 as describing a control means for controlling the feeding of the film and the strip. While it is acknowledged that the section referred to by the Examiner discussing controlling the feeding of the film and the strip, it does not disclose a control means as claimed.

Specifically, claim 1 recites that the control means controls the operation of the transfer station. There is no disclosure in Stuart et al. of a device that controls the transfer station, as well as the feed systems. On the contrary, the feed systems in Stuart et al. are located separate from the transfer station machine (as acknowledged by the Examiner). Furthermore there is no control system that controls the transfer station at all. The only controls for the transfer station described in Stuart et al. are the manual knobs (see Figure 3, items 158, Col. 7, lines 4-8). Thus,

Stuart et al. does not disclose a control means that controls a web drive, a film drive and a transfer station. For this reason alone, Stuart et al. does not anticipate claim 1.

Additionally, claim 1 recites that the film drive means includes at least one drive roller located downstream of the transfer station and the web drive means includes at least one drive roller located downstream of the transfer station. The control means controls the drive roller of the film drive means for drawing the film through the transfer station and controls the drive roller of the web drive means for drawing the web through the transfer station. This is clearly not disclosed in Stuart et al. since there is no discussion in Stuart et al. about the control means controlling any drive mechanism, much less drive rollers located downstream from the transfer station and which draw that film and webs through the transfer station. Thus, Stuart et al. clearly does not anticipate claim 1. Furthermore, the prior art of record does not remedy these significant deficiencies in Stuart et al. since they fail to disclose these missing features. Also, no motivation has been established in the art as to why one would need to control the transfer station via a control system. Stuart et al. has no such need since it is a continuous operation press. Accordingly, it is respectfully submitted that the prior art of record does not render claim 1 obvious.

Claims 3-8 depend from claim 1 and recite further features of the invention. Clearly, these additional features add further support of the patentability of the claims over the art of record.

Accordingly, based on the foregoing, it is respectfully submitted that claims 1, 3 and 6 are not anticipated under §102. Furthermore, these claims are not obvious in view of Stuart et al. alone, or combined with any other reference of record. Reconsideration and withdrawal of the §102 rejection of these claims is respectfully requested.

§103 Rejections

Claims 2, 13 and 14 were rejected under 35 U.S.C. §103 as being obvious over the combination of Stuart et al. and U.S. Pat. No. 5,674,580 to Boswell. Claims 2, 13 and 14 have been cancelled in the present response. As such, this rejection is now moot.

Claims 4 and 5 were rejected under 35 U.S.C. §103 as being obvious over the combination of Stuart et al. and U.S. Pat. No. 5,207,855 to Nyfeler et al. The Examiner acknowledges that Stuart et al. does not teach first and second detectors. The Examiner has,

however, asserted Nyefler et al. as showing such detectors.

Claims 4 and 5 depend from claim 1. As such, since claim 1 is not deemed to be suggested by Stuart et al., claims 4 and 5, by means of their dependency from claim 1 would not be obvious in view of Stuart et al. combined with Nyfeler et al. Accordingly, claims 4 and 5 are not obvious under §103 over the combination of Stuart et al. and Nyfeler et al. Accordingly, reconsideration and withdrawal of the §103 rejection is requested.

Claims 7, 8 and 10 were rejected as being unpatentable over Stuart et al. in view of WO 96/37368 to Aindow et al. The Examiner has cited Aindow et al. as teaching the use of multiple film drive means located in parallel and a transfer station with laterally offset motifs. Claims 7, 8 and 10 depend from claim 1 and, since claim 1 is patentable over Stuart et al. alone or in combination with Aindow et al., claims 7, 8 and 10 are also patentable.

Claims 15, 16 and 22 were also rejected under 35 U.S.C. §103. However, these claims have been cancelled from the application. Accordingly the rejection of these claims is now moot. Likewise claims 19-22 have been cancelled.

Allowable Claims

Applicant gratefully acknowledges the allowability of claims 9, 11 and 12. Claim 9 has been placed in independent form. Claims 11 and 12 depend from claim 9. Thus, these claims are not in condition for allowance.

Based on the foregoing, Applicant respectfully submits that the claims are all now in condition for allowance. Reconsideration and allowance of all the pending claims in this case is requested.

If the Examiner believes that direct communication with the Applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,
GUY MARCEL CHARLES CLAUDE BREGER

By: 

ROBERT E. CANNUSCIO
Registration No.: 36,469
DRINKER BIDDLE & REATH, LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996
215-988-3303
215-988-2757 (fax)
Attorney for Applicants

Amendments to the Drawings

The drawing have been objected in the Office Action. Accompanying this response is a set of Replacement Sheets.